

### **REMARKS**

Claims 1-7, 9-19, 21, 22, 24-28 and 31-39 are currently pending in the subject application and are presently under consideration. A version of the claims is at pages 2-8. Independent claims 1, 21 and 31-33 have been amended herein to incorporate features previously recited in now cancelled claims 20, 29 and 30. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Drawings**

The drawings are objected to under 37 CFR 1.83 (a). The drawings must show every feature of the invention specified in the claims. The Examiner requires applicant to show the features recited in claims 1 and 33, or cancel the feature from the claims. The *at least one secondary aggregation component* feature recited in claims 1 and 33 is supported by Figure 1, component number 80 and corresponding text in the specification at page 8, lines 17-19. More particularly, since the specification allows for “one or more aggregation components”, the *at least one secondary aggregation component* is properly supported by the specification and drawings. Therefore, this objection should be withdrawn.

#### **II. Rejection of Claims 1 and 33 Under 35 U.S.C §112**

Claims 1 and 33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is now moot and should be withdrawn in view of the amendments to claims 1 and 33.

#### **III. Rejection of Claims 1-4, 9, 11, 18-20, 33-39 Under 35 U.S.C. §103(a)**

Claims 1-4, 9, 11, 18-20, 33-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Blankenship *et al.* (US 6,624,388) in view of Crater *et al.* (US 6,201,996) in further view of Heidhues (US 6,032,203). This rejection should be withdrawn for at least the following reasons. The cited references, either alone or in combination, do not teach or suggest all aspects of the subject claims.

To reject claims in an application under §103, an examiner must

establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, ***the prior art reference (or references when combined) must teach or suggest all the claim limitations.*** See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The claimed invention relates to facilitating optimized data transfers between an industrial controller and one or more remote client applications. In particular, independent claims 1 and 33 recite similar aspects, namely ***a component associated with the entity remote from the industrial controller, the component receives handle information from the industrial controller relating to the selected data items and employs the handle information to generate an update data packet to update data locations in the industrial controller.*** Blankenship *et al.*, Crater *et al.* and Heidhues do not teach or suggest such recited features.

On page 7 of the Office Action (dated January 12, 2007), the Examiner incorrectly asserts that Heidhues discloses the features recited in now cancelled claim 20. Heidhues relates to an interface system for use in switchgear and motor control center applications. The interface allows communications to occur between different field devices and process control computers using different protocols and requiring different data formats. However, nowhere does Heidhues teach or suggest updating data locations at the industrial controller, let alone utilizing handle information to achieve such updating. Thus, for example, by employing handle information to update data locations at the industrial controller, the claimed invention mitigates the need to utilize explicit name identifiers, thus resulting in a conservation of system bandwidth. Heidhues does not contemplate such recited aspects. Moreover, Blankenship *et al.* and Crater *et al.* does not compensate for the deficiencies of Heidhues.

In view of at least the foregoing, it is readily apparent that the cited references, either alone or in combination, fail to teach or suggest each and every element set forth in the subject claims. Accordingly, this rejection should be withdrawn.

**IV. Rejection of Claim 10 Under 35 U.S.C. §103(a)**

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Blankenship *et al.* (US 6,624,388) in view of Crater *et al.* (US 6,201,996) in further view of Heidhues (US 6,032,203) and further in view of Su *et al.* (US 6,625,161). Withdrawal of this rejection is requested for at least the following reasons. The cited references, individually or in combination, do not teach or suggest each and every element set forth in the subject claim. In particular, Su *et al.* does not make up for the deficiencies of Blankenship *et al.*, Crater *et al.* and Heidhues with respect to independent claim 1 (from which claim 10 depends). Thus, it is respectfully submitted that this rejection be withdrawn.

**V. Rejection of Claims 21-22, 24 and 27-32 Under 35 U.S.C. §103(a)**

Claims 21-22, 24 and 27-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater *et al.* (US 6,201,996) in view of Bhatt *et al.* (US 6,097,399) and in further view of Wang *et al.* (US 6,970,921). This rejection should be withdrawn for at least the following reasons. The cited references do not teach or suggest all aspects of the subject claims.

Independent claim 21 in part recites *receiving handle information from the industrial controller relating to the selected data items; and employing the handle information to generate an update data packet to update data locations in the industrial controller.*

Independent claims 31 and 32 recite similar aspects. Crater *et al.*, Bhatt *et al.* and Wang *et al.* are silent regarding such aspects set forth in the subject claims.

Amended claims 21, 31 and 32 recite similar aspects as amended independent claims 1 and 33. As noted above with respect to claims 1 and 33, Crater *et al.* does not teach or suggest *a component associated with the entity remote from the industrial controller, the component receives handle information from the industrial controller relating to the selected data items and employs the handle information to generate an update data packet to update data locations in the industrial controller;* and Bhatt *et al.* and Wang *et al.* do not compensate for these deficiencies. Therefore, this rejection should be withdrawn.

**VI. Rejection of Claims 5-7, 12-13 and 14-17 Under 35 U.S.C. §103(a)**

Claims 5-7, 12-13 and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable Blankenship *et al.* (US 6,624,388) in view of Crater *et al.* (US 6,201,996) in further

view of Heidhues (US 6,032,203) and in further view of Bhatt *et al.* (US 6,097,399).

Withdrawal of this rejection is requested for at least the following reasons. The cited documents, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Bhatt *et al.* does not make up for the deficiencies of the primary references with respect to independent claim 1 (from which claims 5-7, 12, 13 and 14-17 depend from). Therefore, withdrawal of this rejection is respectfully requested.

**VII. Rejection of Claims 25-26 Under 35 U.S.C. §103(a)**

Claims 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crater *et al.* (US 6,201,996) in view of Bhatt *et al.* (US 6,097,399) in further view of Wang *et al.* (US 6,970,921) and in further view of Heidhues (US 2002/0191250). Withdrawal of this rejection is requested for at least the following reasons. As discussed *supra* with regard to independent claim 21, the cited references, individually or in combination, do not teach or suggest all aspects recited in the subject claims. Heidhues does not make up for the deficiencies of Crater *et al.*, Bhatt *et al.* and Wang *et al.* with respect to independent claim 21 (from which claims 25 and 26 depend from). Thus, it is respectfully submitted that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP284US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731